



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Norman L. Merrill

File: B-244079

Date: October 9, 1991

DECISION

The Federal Highway Administration, Department of Transportation, requests our decision as to whether it may authorize an employee to use a rental car at his official duty station. The Administration had directed his return by airplane from his extended temporary duty site to attend a conference at his official duty station, thus requiring the employee to leave his privately owned vehicle at his extended temporary duty site.^{1/}

The Federal Highway Administration has a number of engineering employees who are on extended temporary duty. Since they rarely report for duty at their official duty station in Lakewood, Colorado, most of them do not maintain a residence within commuting distance of Lakewood. Occasionally, their extended temporary duty assignments are interrupted to return the employees to their official duty station for conferences. Since their temporary duty locations are spread over 14 western states, the Administration has found that the most cost-effective means of directing travel to the official duty station is by airplane, in which case the employee's privately owned vehicle remains at the temporary duty location.

Due to the nature of these assignments, the Administration has authorized, as advantageous to the government, the cost of driving privately owned vehicles to the temporary duty locations so that they may be used on official business instead of authorizing the use of government owned vehicles. Most of the temporary duty locations have no means of public transportation.

Mr. Norman L. Merrill has submitted a reclaim voucher in the amount of \$124.77 for the cost of a rental car in Lakewood, Colorado, for local transportation while he attended a conference there. Mr. Merrill was on an extended temporary

^{1/} This request was submitted by Mr. Larry Corbell, an authorized certifying officer, Federal Highway Administration, Denver, Colorado. Reference: HAD-16.

duty assignment in Sulphur, Oklahoma, when he was directed to return to Lakewood for a week-long conference. Mr. Merrill had his privately owned vehicle at the temporary duty site, but, due to time constraints, he was directed to travel to Lakewood by airplane. Mr. Merrill maintains his permanent residence in Wyoming.

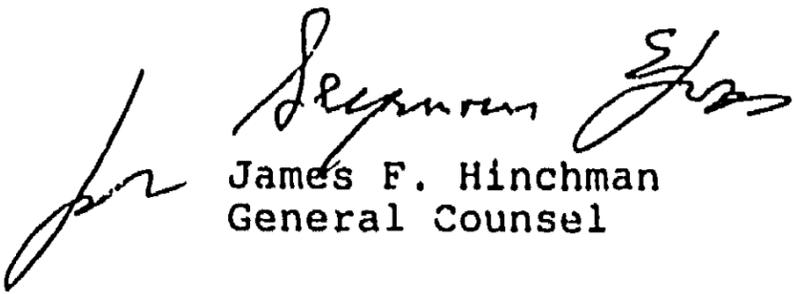
Mr. Merrill contends that since he does not maintain a permanent residence at his designated official duty station, and since it was advantageous to the government to have him use his privately owned vehicle at the temporary duty location, he should be allowed his actual local transportation charges for the rental car while he was in Lakewood on official business.

Title 41 C.F.R. § 301-3.2(a) (1990) of the Federal Travel Regulation provides:

"(a) Approval requirement. The hire of boat, automobile, taxicab . . . or other conveyance will be allowed if authorized or approved as advantageous to the Government whenever the employee is engaged in official business within or outside his/her designated post of duty." Emphasis added.

Under this FTR provision, it is clear that the department or agency involved has the discretionary authority to determine, in the first instance, whether the rental of a car at the employee's designated post of duty is advantageous to the government. See Bertram C. Drouin, 64 Comp. Gen. 205, 212-215 (1985), reconsidered and affirmed, B-216016, Mar. 23, 1987. This determination should normally be made before the car rental, and, if the car rental is authorized, that should be noted on the employee's travel order. However, if not done before the car rental, the expense of the rental car may still be allowed if prior authorization would not have been unreasonable and the rental is subsequently approved as advantageous to the government by a properly designated official. Wallace W. Tanaka, B-187296, June 8, 1977.

Accordingly, if the properly designated official makes the required determinations set forth above, then Mr. Merrill's actual car rental expenses on his reclaim voucher may be certified for payment. This matter is remanded to the Federal Highway Administration for action consistent with this decision.


James F. Hinchman
General Counsel